IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10982 of 2004

Between:

1 All India RMS and MMS EMPLOYEES UNION Group-C Hyderabad, sorting Divisional Branch, Rep. by G.Janardhan,
Divisional Secretary, Hyderabad.
2 Yadagiri S/o. Narsappa
working as T/S S.A GPO Hyderabad.

..... PETITIONER(S)

AND

1 The Director General (Postal) New Delhi.
2 Chief Post Master General (Post), Dad Bhavan, Abids, Hyderabad.
3 Union of India, rep. by its Secretary Department of Posts, New Delhi.
4 Secretary to the Govt. of India Ministry of Personal Public Grievances and

Pensions, New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more one in the nature of writ of mandamus declaring that the order passed in the O.A No.1243 of 2001 dt 31.10.2003 and the order passed in R.A No.2 of 2004 dated 29-1-2004 by the Central Administrative Tribunal, Hyderabad, is illegal, improper and against the fundamental rights of the petitioners and non revision of O.T Rates by the respondents in view of the V Pay Commission

as illegal, and amounting to exploitation and consequently direct the respondents herein to revise the O.T.A in corresponding wages in view of the V pay Commission w.e.f. 1-1-1996 and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.N.SAIDA RAO

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

ORDER *(Per the Hon'ble Sri Justice J.Chelameswar)*

This Writ Petition is filed seeking a *Writ of Mandamus* to declare that the orders passed in O.A.No.1243 of 2001, dated 31-10-2003, and the orders passed in R.A.No.2 of 2004, dated 29-01-2004, by the Central Administrative Tribunal, Hyderbad, and non-revision of OT rates by the respondents in view of the V Pay Commission as illegal, and consequently to direct the respondents to revise the OTA, in view of the V Pay Commission, with effect from 01.01.1996.

The petitioners moved O.A.No.1243 of 2001, before the Central Administrative Tribunal, Hyderabad, for a declaration that the action of the respondents in not considering the revision of rates of over time allowances, in pursuance of the revision of the wages of the postal employees in the light of V Pay Commission w.e.f. 01.01.1996, and non-fixation of rates of OTA of postal employees as illegal, and for further declaration that the applicant is entitled for revision of rates of over time allowance, in pursuance of revision of wages in the light of V Pay Commission and is entitled for 1 ½ times of the regular emoluments of the postal employees.

The Central Administrative Tribunal at para 8 of its order held as follows:

> "I find that the specific case of the applicants is against non-consideration of the revision of rates of OTA in pursuance of the revision of the wages of the postal employees in the light of V Pay Commission w.e.f. 01.01.1996. Since it is seen, as discussed above, the V Pay Commission ahs recommended discontinuation of the OTA the prayer of the applicants to revise the OTA in the light of V Pay Commission cannot be granted. However, I find that the respondents have taken a decision to maintain the status quo till the matter is decided and the Government has discussed and considered this matter at national level and a final decision will be taken. Since the matter is under review consideration as stated by the respondents in their counter reply I find that it is a policy matter to be decided by the Government and the same is under consideration at national level. The Tribunal has no role to play."

Nothing is brought to our notice, to demonstrate that the decision of the Administrative Tribunal is erroneous or otherwise not in accordance with law. In the circumstances, we do not see any reason to interfere with the impugned order.

The Writ Petition is dismissed at the admission Stage.

_____

(J.CHELAMESWAR,J)

_____

(GODA RAGHURAM,J)

Dt:18-08-2004

Ts

To

1 The Director General (Postal) New Delhi.
2 Chief Post Master General (Post), Dad Bhavan, Abids, Hyderabad.
3 The Secretary, Union of India, Department of Posts, New Delhi.
4 Secretary to the Govt. of India Ministry of Personal Public Grievances and

Pensions, New Delhi.

5 G.Janardhan, Divisional Secretary,

All India RMS and MMS EMPLOYEES UNION

Group-C Hyderabad.

6 2CD copies